



**TOWN OF TIBURON**  
Tiburon Town Hall  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Regular Meeting  
Design Review Board

7:00 p.m.

**AGENDA**  
**TIBURON DESIGN REVIEW BOARD**

**CALL TO ORDER AND ROLL CALL**

**Chair Tollini, Vice Chair Kricensky, Boardmembers Chong, Cousins  
And Emberson**

**ORAL COMMUNICATIONS**

Persons wishing to address the Design Review Board on any subject not on the agenda may do so under this portion of the agenda. Please note that the Design Review Board is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Design Review Board agenda. Please limit your comments to no more than three (3) minutes. Any communications regarding an item not on the agenda will not be considered part of the administrative record for that item.

**STAFF BRIEFING (If Any)**

**PUBLIC HEARINGS & NEW BUSINESS**

**1. 2225 VISTAZO EAST STREET**

File No. VAR2015022/DR2015145; Shor Capital, LLC, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct a new 5,830 square foot house. The lot coverage of the house would be 6,795 square feet (16.3%), which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. Assessor's Parcel No. 059-091-55. [DW]

Documents: [2225 VISTAZO EAST STREET STAFF REPORT.PDF](#)

**2. 4030 PARADISE DRIVE**

File No. FAE2015014/DR2015142; Taylor Lembi, Owner; Site Plan and Architectural Review for construction of additions to an existing single-family dwelling, with a Floor Area Exception. The applicant proposes to add 1,601 square feet of basement and a 214 square foot ground level addition to the existing house. The project would result in 5,283 square feet of floor area, which is greater than the 4,800 square foot floor area ratio for a lot of this size.

Assessor's Parcel No. 039-091-11. [KO]

Documents: [4030 PARADISE DRIVE STAFF REPORT.PDF](#)

### **3. 681 HAWTHORNE DRIVE**

File No. VAR2015024/DR2015151; Bahram Seyedin-Noor and Maysa Namakian, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with a Variance for excess lot coverage. The applicant proposes to construct a new 2,960 square foot house. The lot coverage of the house would be 3,016 square feet (31.4%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. Assessor's Parcel No. 059-091-55. [KO] **CONTINUED TO MARCH 3, 2016**

Documents: [681 HAWTHORNE DRIVE CONTINUANCE.PDF](#)

## **MINUTES**

### **4. Regular Meeting Of February 4, 2016**

Documents: [020416 DRAFT DRB MINUTES.PDF](#)

## **ADJOURNMENT**

## **GENERAL PUBLIC INFORMATION**

### **ASSISTANCE FOR PEOPLE WITH DISABILITIES**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division Secretary at (415) 435-7390. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

### **AVAILABILITY OF INFORMATION**

Copies of Design Review Board Agendas, Staff Reports, project files and other supporting data are available for viewing and inspection at Town Hall during business hours. Agendas and Staff Reports are also available at the Belvedere-Tiburon Public Library and on the Town of Tiburon website ([www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us)) after 5:00 PM on the Friday prior to the regularly scheduled meeting.

Any documents produced by the Town and distributed to a majority of the Design Review Board regarding any item on this agenda, including agenda-related documents produced by the Town after distribution of the agenda packet at least 72 hours in advance of the Board meeting, will be available for public inspection at Town Hall, 1505 Tiburon Boulevard, Tiburon, CA 94920.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please deliver or cause to be delivered a written request (including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service) at least five (5) days before the meeting to the Planning Division Secretary at the above address.

### **PUBLIC HEARING ITEMS AND BUSINESS ITEMS**

Public Hearing items and Business items provide the general public and interested parties an opportunity to speak regarding items that typically involve an action or decision made by the Board. If you challenge any decision in court, you may be limited to raising only those issues you or someone else raised at the meeting, or in written correspondence delivered to

the Board at, or prior to, the meeting.

### **GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS**

The Design Review Board's general procedure on items and time limit guidelines for speakers are:

- ❖ Staff Update on Item (if any)
- ❖ Applicant Presentation – 5 to 20 minutes
- ❖ Design Review Board questions of staff and/or applicant
- ❖ Public Testimony (depending on the number of speakers) – 3 to 5 minutes for each speaker; members of the audience may not allocate their testimony time to other speakers
- ❖ Applicant may respond to public comments – 3 minutes
- ❖ Design Review Board closes the public testimony period, deliberates and votes (as warranted)
- ❖ Time limits and procedures may be modified in the reasonable discretion of the Chairman

Interested members of the public may address the Design Review Board on any item on the agenda.

### **ORDER AND TIMING OF ITEMS**

No set times are assigned to items appearing on the Design Review Board agenda. While the Design Review Board attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order without notice.

*NOTE: ALL DESIGN REVIEW BOARD MEETINGS ARE AUDIO RECORDED*

## **TOWN OF TIBURON LATE MAIL POLICY (Adopted and Effective 11/7/2007)**

The following policy shall be used by the Town Council and its standing boards and commissions, and by staff of the Town of Tiburon, in the identification, distribution and consideration of late mail.

### **DEFINITION**

“Late Mail” is defined as correspondence or other materials that are received by the Town after completion of the written staff report on an agenda item, in such a manner as to preclude such correspondence or other materials from being addressed in or attached to the staff report as an exhibit.

### **IDENTIFICATION OF LATE MAIL**

All late mail received by Town Staff in advance of a meeting shall be marked “Late Mail” and shall be date-stamped or marked with the date of receipt by the Town. Late mail received at a meeting shall be marked as “Received at Meeting” with a date-stamp or handwritten note.

### **POLICY**

For regular meetings of the Town Council and its standing boards and commissions:

- (1) All late mail that is received on an agenda item prior to distribution of the agenda packet to the reviewing authority shall be stamped or marked as “Late Mail” and shall be distributed to the reviewing authority with the agenda packet.

(2) All late mail received on an agenda item before 5:00 PM on the Monday prior to the meeting shall be date-stamped and marked as “Late Mail” and distributed to the reviewing authority as soon as practicable. Such mail shall be read and considered by the reviewing authority whenever possible. If the Monday, or Monday and Tuesday, prior to the meeting are a Town-recognized holiday, the deadline shall be extended to the following day at Noon.

(3) Any late mail received on an agenda item after the deadline established in paragraph (2) above shall be date-stamped, marked as “Late Mail” and distributed to the reviewing authority as soon as reasonably possible, but may not be read or considered by the reviewing authority. There should be no expectation of, nor shall the reviewing authority have any obligation to, read or consider any such late mail, and therefore such late mail may not become part of the administrative record for the item before the reviewing authority.

These provisions shall also apply to special and adjourned meetings when sufficient lead time exists to implement these provisions. If sufficient lead time does not exist, the Town Manager shall exercise discretion in establishing a reasonable cut-off time for late mail. For controversial items or at any meeting where a high volume of correspondence is anticipated, Town staff shall have the option to require an earlier late mail deadline, provided that the written public notice for any such item clearly communicates the specifics of the early late mail deadline, and the deadline corresponds appropriately to any earlier availability of the agenda packet.

Pursuant to state law, copies of all late mail shall be available in a timely fashion for public inspection at Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
February 18, 2016  
Agenda Item: **1**

## **STAFF REPORT**

**To:** Members of the Design Review Board  
**From:** Planning Manager Watrous  
**Subject:** 2225 Vistazo East Street; File Nos. VAR2015022/DR2015145; Site Plan and Architecture Review for Construction of a New Single-Family Dwelling, with a Variance for Excess Lot Coverage  
**Reviewed By:** \_\_\_\_\_

### **PROJECT DATA**

**ADDRESS:** 2225 VISTAZO EAST STREET  
**OWNER:** SHOR CAPITAL, LLC  
**APPLICANT:** COUTURE ARCHITECTURE  
**ASSESSOR'S PARCEL:** 059-091-55  
**FILE NUMBERS:** VAR2015022/DR2015145  
**LOT SIZE:** 41,740 SQUARE FEET  
**ZONING:** RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)  
**GENERAL PLAN:** M (MEDIUM DENSITY RESIDENTIAL)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** FEBRUARY 2, 2016

### **PRELIMINARY ENVIRONMENTAL DETERMINATION**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15303.

### **PROJECT DESCRIPTION**

The applicant is requesting Design Review approval for the construction of a new two-story single-family dwelling on property located at 2225 Vistazo East Street. The subject property is currently vacant.

The upper floor of the house would include a living room, dining room, kitchen, family room and a master bedroom suite, along with a mud room and an additional bathroom. The lower floor would include four more bedrooms and bathrooms, along with a media room, laundry room, wine

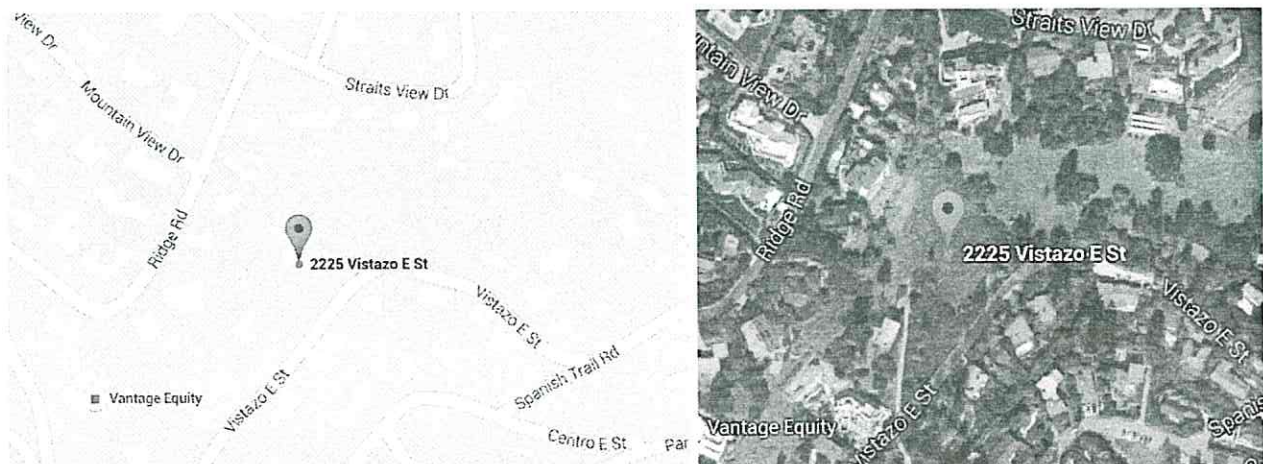
cellar and storage room. Decks would extend off both floors to the east and patios would be located at ground level on several sides of the building. A roof deck would cover much of the southern portion of the upper floor. A swimming pool would be situated off the upper floor. A 6 foot tall wood and wire deer fence would surround most of the lot.

An attached three-car garage would be situated on the uphill side of the house. Vehicular access to the house would be provided by a long driveway leading uphill from the street below, bordered by retaining walls up to 6.5 feet in height. A driveway gate would be installed near the bottom of the site.

The floor area of the proposed house would be 5,830 square feet, with 860 square feet of garage space, which is 84 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 6,795 square feet (16.3%) of the site, which is greater than the 15.0% maximum lot coverage permitted in the RO-2 zone. A variance is therefore requested for excess lot coverage.

A color and materials board has been submitted, and will be present at the meeting for the Board to review. The structure would be finished with cedar and limestone siding with black trim. The color and materials of the flat roof has not been specified, but a living roof would be installed above the garage and a portion of the upper floor adjacent to the proposed roof deck.

## PROJECT SETTING



The subject property is steeply sloped, with frontage on Vistazo East Street below, accessed from Diviso Street to the west. The portion of Vistazo East directly adjacent to the site is a private street. The lot is situated below homes in the Hillhaven neighborhood along Ridge Road and Straits View Drive.

## BACKGROUND

On May 15, 1997, the Design Review Board held a public hearing to consider the approval of a Site Plan and Architectural Review application (File #797029) for construction of a new 6,668

square foot single-family residence on the subject property by a prior property owner. Over the course of three meetings, nearby property owners and the Board raised concerns about the size and scale of the home compared to other dwellings in the vicinity, while the applicant made only minor changes to the project design. On October 2, 1997, the Board adopted Resolution No. 97-1 (**Exhibit 3**) denying the application.

The applicant appealed this decision to the Town Council, which heard the appeal on February 4, 1998. The Council concurred with the decision of the Design Review Board and adopted Resolution No. 3267 (**Exhibit 4**) denying the appeal, finding in particular that the mass, bulk and size of the proposed house was incompatible with the character of the Old Tiburon neighborhood.

Several years later, the same property owner submitted a Site Plan and Architectural Review application for a similar house design, prepared by a different architect. The application was never deemed complete and was ultimately withdrawn.

## **ANALYSIS**

### **Design Issues**

The proposed home would be situated on the upper portion of the site. Story poles have been erected for the proposed house. Existing vegetation along the uphill side of the street provides some screening of the house site, but would likely be removed during construction of the project. However, the homes below on Vistazo East Street are oriented away from the site toward Angel Island and Raccoon Strait, with limited views uphill toward the site of the proposed house, so the removal of this screening should have little effect on views from these nearby residences.

The proposed house would be situated well below the nearest uphill homes along Ridge Road. An evaluation of the story poles indicates that the house should not intrude into water views from any of these uphill neighboring dwellings. There are no other nearby homes on the same elevation as the subject property with sideways views across the proposed house location.

The private roadway of Vistazo East Street is very narrow in the area of the site. The Tiburon Fire Protection District will require that the street be widened to 12 feet to provide better emergency access to the site and that a fire hydrant be installed near the street.

The design of the proposed home is more consistent with the design of other homes in the vicinity than the design proposed in 1997 for this property. The previous house design featured a Mediterranean theme, with stucco walls and tile roofing, and a third level below for a garage in front of the house. The driveway design also included stucco walls much taller than 6 feet. The more contemporary design of the currently proposed house would spread the house more horizontally on the site and blend with the hillside in a manner more consistent with the Hillside Design Guidelines.

The previous project review included an analysis of the floor area of 31 homes in the vicinity of the subject property and found that 25 of these 31 homes were less than half the size of the proposed house. Although the proposed house would have only a slightly smaller floor area than

the previous house design, a number of larger homes have been approved and built in the adjacent Hillhaven neighborhood since 1997. As a result, the floor area of the proposed house would appear to be more consistent with the sizes of other homes in the vicinity than that of the previously requested dwelling.

## **Zoning**

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the RO-2 zone, with the exception of the requested variance for excess lot coverage.

In order to grant the requested variance, the Board must make all of the following findings required by Section 16-52.030 (E) of the Tiburon Zoning Ordinance:

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The subject property is very steep, with no level area upon which to develop a new dwelling or surrounding improvements. The strict application of the maximum lot coverage requirement would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

- 2. The Variance will not constitute a grant of special privileges, inconsistent with the limitations upon other properties in the vicinity and in the same or substantially the same zone.***

Numerous other properties in the RO-2 or similar zones have received variances for excess lot coverage, although many such variances have been approved to maintain a one-story house design, in contrast to the proposed two-story home.

- 3. The strict application of this Zoning Ordinance would result in practical difficulty or unnecessary physical hardship. Self-created hardships may not be considered among the factors that might constitute special circumstances. A self-created hardship results from actions taken by present or prior owners of the property that consciously create the very difficulties or hardships claimed as the basis for an application for a Variance.***

The proposed house design includes substantial deck and pool areas that count toward the calculated lot coverage for this project. Although these outdoor spaces could be reduced in size to comply with the maximum allowable lot coverage, the applicant contends that this space is necessary to provide usable outdoor space which would otherwise be infeasible on such a steep lot. The strict interpretation of the lot coverage requirement would result in a project design that would not accommodate outdoor uses normally associated with a new single-family dwelling.

**4. *The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.***

As noted above, the proposed project would not create substantial view or privacy impacts for other homes in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

**Public Comment**

As of the date of this report, no letters have been received regarding the subject application.

**RECOMMENDATION**

The Design Review Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with staff's conclusions, it is recommended that the attached conditions of approval be applied.

**ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials
3. Design Review Board Resolution No. 97-1
4. Town Council Resolution No. 3267
5. Submitted plans

Prepared By: Daniel M. Watrous, Planning Manager

**CONDITIONS OF APPROVAL**

**2225 VISTAZO EAST STREET**

**FILE #VAR2015022/DR2015145**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application dated by the Town of Tiburon on November 17, 2015, or as amended by these conditions of approval. Any modifications to the plans of January 14, 2016 must be reviewed and approved by the Design Review Board.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made

of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site

9. A copy of the Planning Division's "Notice of Action" including the attached "Conditions of Approval" for this project shall be copied onto a plan sheet at the beginning of the plan set(s) submitted for building permits.
10. A photovoltaic energy system shall be installed in compliance with the requirements of Section 16-40.080 of the Tiburon Zoning Ordinance.
11. Prior to issuing a grading or building permit the applicant shall implement measures for site design, source control, run-off reduction and stormwater treatment as found in the Bay Area Stormwater Management Agency Association (BASMAA) Post-Construction Manual available at the Planning Division or online at the Marin County Stormwater Pollution Prevention Program (MCSTOPPP) website at [www.mcstoppp.org](http://www.mcstoppp.org).
12. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
  - a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
  - b. Any proposal that would encroach onto the public right-of-way is not permitted. This would include fences, retaining walls and other structures.
  - c. Typical encroachments, such as driveway approaches, walkways, drainage facilities, and short-height landscaping, need to be processed through a standard Public Works encroachment permit application with plans for review.
  - d. Storm drain improvements shall be designed in accordance with Marin County criteria. Hydrology calculations, pipe sizing and storm drain plans shall be submitted for the review and approval by the Town Engineer.
  - e. No lot-to-lot drainage is allowed except where easements for drainage are provided. No drainage shall discharge across sidewalks.
  - f. Post-development stormwater flows shall be limited to pre-development levels. Detention basins or similar structures may be required. Calculations shall be submitted showing that post-development stormwater peak flows

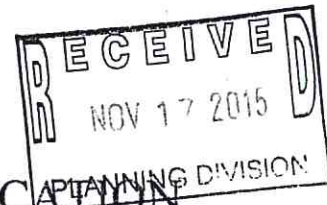
will not be greater than pre-development peak flows for the 10, 25 and 100 year, 30 minute event.

- g. All site drains and ditches shall be privately maintained and shall be contained within private storm drain easements. A 10 foot easement width is required for any pipes outside the right-of-way.
  - h. An Erosion and Sediment Control Plan (ESCP) shall be required to document and identify potential pollution sources that may affect stormwater runoff discharges from the site and best management practices (BMPs) that will be implemented to prevent such discharges.
  - i. Sewer easements shall be protected at all times and no construction shall take place on or beneath such easements.
  - j. A civil engineer shall prepare a detailed site drainage plan and incorporate the erosion control notes for review and approval by the Building Division and Engineering Division.
10. The final landscape and irrigation plans must comply with the current water efficient landscape requirements of MMWD, including, but not limited to, the following:
- a. A High Pressure Water Service application shall be completed.
  - b. A copy of the building permit for this project shall be submitted.
  - c. Appropriate fees and charges shall be paid.
  - d. The structure's foundation shall be completed within 120 days of the application.
  - e. The project shall comply with all indoor and outdoor requirements of District Code Title 13 (Water Conservation). Plans shall be submitted and reviewed to confirm compliance. The following items are required:
    - 1. Verification of indoor fixtures compliance.
    - 2. Landscape plan.
    - 3. Irrigation plan.
    - 4. Grading plan.
  - f. Compliance with the backflow prevention requirements, if, upon the District's review backflow protection is warranted, including installation, testing and maintenance.
  - g. Compliance with District requirements for installation of gray water recycling systems.

11. The project shall comply with the requirements of the California Fire Code and the Tiburon Fire Protection District, including, but not limited to, the following:
  - a. The structure shall have installed throughout an automatic fire sprinkler system. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. The automatic fire sprinkler system shall be upgraded to a NFPA 13R system. CFC 903.2
  - b. Access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Additional fire personnel steps shall be installed to the satisfaction of the Fire District. CFC 503.1.1
  - c. Approved smoke alarms shall be installed to provide protection to all sleeping areas. CFC 907.2.10
  - d. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. CFC 304.1.2
  - e. The access gate shall have a minimum unobstructed width of 12 feet. Gates shall be operable using the Fire District's "Knox" key system. CFC 503.6.2
  - f. The water mains and new fire hydrant shall be installed and made serviceable prior to the start of any construction above the foundation. CFC 501.4
  - g. The fire apparatus road slope shall comply with Fire District Standard 503.2.1. Alternative means of protection shall include widening the roadway of Vistazo East Street to 12 feet and adding a fire hydrant at on Vistazo East Street at the driveway entrance to the subject property.
13. The project shall comply with all requirements of Sanitary District No. 5.
14. A construction staging plan shall be approved by the Building Official prior to issuance of a building permit for this project.



**TOWN OF TIBURON**  
**LAND DEVELOPMENT APPLICATION**



**TYPE OF APPLICATION**

- |                                                |                                                         |                                                   |
|------------------------------------------------|---------------------------------------------------------|---------------------------------------------------|
| <input type="radio"/> Conditional Use Permit   | <input checked="" type="radio"/> Design Review (DRB)    | <input type="radio"/> Tentative Subdivision Map   |
| <input type="radio"/> Precise Development Plan | <input type="radio"/> Design Review (Staff Level)       | <input type="radio"/> Final Subdivision Map       |
| <input type="radio"/> Secondary Dwelling Unit  | <input checked="" type="radio"/> Variance(s) <u>1</u> # | <input type="radio"/> Parcel Map                  |
| <input type="radio"/> Zoning Text Amendment    | <input type="radio"/> Floor Area Exception              | <input type="radio"/> Lot Line Adjustment         |
| <input type="radio"/> Rezoning or Prezoning    | <input type="radio"/> Tidelands Permit                  | <input type="radio"/> Condominium Use Permit      |
| <input type="radio"/> General Plan Amendment   | <input type="radio"/> Sign Permit                       | <input type="radio"/> Seasonal Rental Unit Permit |
| <input type="radio"/> Temporary Use Permit     | <input type="radio"/> Tree Permit                       | <input type="radio"/> Other _____                 |

**APPLICANT REQUIRED INFORMATION**

**SITE ADDRESS:** 2225 VISTAZO EAST ST. **PROPERTY SIZE:** 41.7404  
**PARCEL NUMBER:** 059-091-55 **ZONING:** RO-2

**PROPERTY OWNER:** Shor Capital LLC  
**MAILING ADDRESS:** 1380 N.E. MIAMI GARDENS DRIVE Ste. 250  
MIAMI, FLA 33179  
**PHONE/FAX NUMBER:** 650.281.7467 **E-MAIL:** MSHOR@SHORCAPITAL.COM

**APPLICANT (Other than Property Owner):** COUTURE ARCHITECTURE  
**MAILING ADDRESS:** 15 ALLYN AVE, SAN ANSELMO CA 94960

**PHONE/FAX NUMBER:** 415.482.0224 **E-MAIL:** DESIGN@COUTURE  
ARCHITECTURE.NET

**ARCHITECT/DESIGNER/ENGINEER** ABOVE : COUTURE ARCHITECTURE  
**MAILING ADDRESS:** \_\_\_\_\_

**PHONE/FAX NUMBER:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

*Please indicate with an asterisk (\*) persons to whom Town correspondence should be sent.*

**BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):**

NEW SINGLE FAMILY RESIDENCE, DRIVEWAY &  
LANDSCAPING,

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature: \* Shor Capital LLC MGR

Date: 11.14.15

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature: \* Shor Capital LLC MGR

Date: 11.14.15

*\*If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

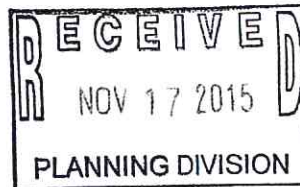
#### NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon  
Community Development Department  
Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
(415) 435-7390 (Tel) (415) 435-2438 (Fax)  
[www.townoftiburon.org](http://www.townoftiburon.org)



#### DO NOT WRITE BELOW THIS LINE

##### DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2015-145//VAR2015-022 GP Designation:

Fee Deposit: \$3275.00

Date Received: 11/17/15

Received By: LS

Receipt #: R310

Date Deemed Complete: 2/2/16

By: DS

Acting Body:

Action:

Date:

Conditions of Approval or Comments: \_\_\_\_\_

Resolution or Ordinance # \_\_\_\_\_

# DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM FOR NEW RESIDENCE OR OTHER MAIN BUILDING

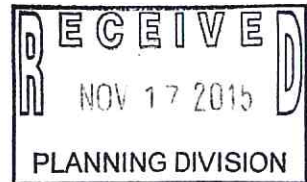
Please fill in the information requested below (attach separate sheet as needed):

Use of Site (example: single family residential, retail, office, service, etc.):

Existing: VACANT PARCELS

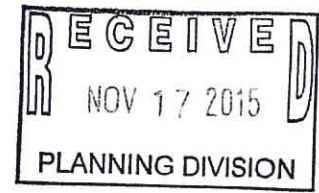
Proposed: NEW SINGLE FAMILY RESIDENCE

Square Footage of Landscape Area: 29,500 #



| TO BE COMPLETED BY APPLICANT                                                         |                                                        |                                              | STAFF USE ONLY                  |                                 |
|--------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------|---------------------------------|---------------------------------|
| ITEM                                                                                 | EXISTING<br>(if existing building is to be demolished) | PROPOSED<br>(reflects proposed construction) | CALCULATED                      | PER ZONE                        |
| <b>Yards</b><br>(Setbacks from property line)(Section 16-100.020(y)*<br><b>Front</b> | ft.                                                    | 73'-3" #                                     | ft.                             | ft.                             |
| <b>Rear</b>                                                                          | ft.                                                    | 25'-0" #                                     | ft.                             | ft.                             |
| <b>Right Side</b>                                                                    | ft.                                                    | 41'-9" #                                     | ft.                             | ft.                             |
| <b>Left Side</b>                                                                     | ft.                                                    | 27'-7" ft.                                   | ft.                             | ft.                             |
| <b>Maximum Height</b><br>(Section 16-30.050)*                                        | ft.                                                    | 30'-0" ft.                                   | ft.                             | ft.                             |
| <b>Lot Coverage</b><br>(Section 16-30.120(B)*                                        | sq.ft.                                                 | 6795 sq.ft.                                  | 16.3 sq.ft.                     | 15.0 sq.ft.                     |
| <b>Lot Coverage as Percent of Lot Area</b>                                           | %                                                      | %                                            | %                               | %                               |
| <b>Gross Floor Area</b><br>(Section 16-100.020(F)*                                   | sq.ft.                                                 | 6090 sq.ft.                                  | 5830 HOUSE<br>860 GARAGE sq.ft. | 6174 HOUSE<br>600 GARAGE sq.ft. |
| <b>Net Floor Area</b><br>(if office building)<br>(Section 16-32.040                  | Sq.ft.                                                 | Sq.ft.                                       | Sq.ft.                          | Sq.ft.                          |
| <b>Number of Parking Spaces Provided</b>                                             | spaces                                                 | 3 spaces                                     | spaces                          | spaces                          |

\*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code, Chapter 16 (Zoning).



**COMMUNITY DEVELOPMENT DEPARTMENT**  
Planning Division (415)-435-7396  
[www.ci.tiburon.ca.us](http://www.ci.tiburon.ca.us)

## APPLICATION FOR VARIANCE

A Variance is a form of regulatory relief available when a strict or literal application of zoning development standards would result in practical difficulties or unnecessary physical hardships for an applicant. These difficulties and/or hardships must be caused by physical conditions on, or in the immediate vicinity of, a site. Please refer to Section 16.52.030 of Chapter 16 (Zoning) of the Tiburon Municipal Code for additional information regarding Variances.

### WHAT VARIANCE(S) ARE YOU REQUESTING?

| <u>Condition</u>                 | <u>Zoning Requirement</u> | <u>Existing Condition</u> | <u>This Application Proposes</u> | <u>Magnitude Of Variance Requested</u> |
|----------------------------------|---------------------------|---------------------------|----------------------------------|----------------------------------------|
| Front Yard Setback               | _____                     | _____                     | _____                            | _____                                  |
| Rear Yard Setback                | _____                     | _____                     | _____                            | _____                                  |
| Left Side Yard Setback           | _____                     | _____                     | _____                            | _____                                  |
| Right Side Yard Setback          | _____                     | _____                     | _____                            | _____                                  |
| Lot Coverage                     | 15%                       | 0%                        | 16%                              | 1%                                     |
| Height                           | _____                     | _____                     | _____                            | _____                                  |
| Parcel Area<br>Per Dwelling Unit | _____                     | _____                     | _____                            | _____                                  |
| Usable Open Space                | _____                     | _____                     | _____                            | _____                                  |
| Parking                          | _____                     | _____                     | _____                            | _____                                  |
| Expansion of<br>Nonconformity    | _____                     | _____                     | _____                            | _____                                  |
| Other (Please describe):         | _____                     |                           |                                  |                                        |

**Variance Findings: Lot coverage 16-30.120 (b)**

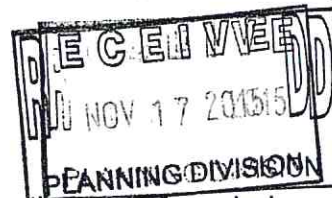
1. Two factors that are working in conjunction with this lot are the existing dead end street and the slope of the site. The existing roadway currently provides no means for a fire apparatus turnaround, which means one is required on the proposed site. To provide this, there were two viable options that we looked at;
  - a) The first option located the turnaround just uphill of the front setback line with the garage cut into the hillside below the current bedroom level. This created a three story downhill building face and 8'-12' downhill retaining walls to accommodate the turnaround size and turnaround area slope limitations. This option would still require variance to allow for the retaining wall heights while creating a driveway and house that would have a larger visual presence to the existing homes below on Vistazo East and the ridge above. This site layout was also similar to a new home proposal made by the previous property owner in 1997. This proposal was actively opposed by the neighbors at the time, was a bitter fight through the Planning Commission and the City Council on appeal and still resonates with the neighborhood.
  - b) The current option puts the turnaround further uphill into the corner of the site. At this location the long leg of the turnaround can be relatively parallel with grade helping to minimize the retaining wall heights plus sits in a area of the site that is partially screened from the uphill and downhill neighbors by an existing group of mature acacia trees. This location also allows the garage to be relocated from under the bedroom level to behind the house. With the garage in this location the garage structure will be virtually invisible from all the adjacent neighbors. While this is a benefit to the neighborhood by minimizing the visibility of both the garage and the turnaround area, it does increase the lot coverage by not placing the garage under the bedroom level thus increasing the lot coverage area by the size of the garage.

Both options above would require a variance, one for the retaining wall heights and one for the lot coverage. We feel the current proposal fits in with the spirit and intent Tiburon's Hillside Design Guidelines better and allows this property to be similar in use to the surrounding neighbors while minimizing the impact of the new home on them.

2. The granting of this variance would not result in the granting of special privileges. The design of the home is purposely horizontal in nature to minimize the new homes profile, which by its nature increases the lot coverage. In this case, the variance request is for +1% (534sqft) of additional lot coverage of which includes 865sq.ft includes a fully underground, landscaped covered, garage structure. Per Tiburon Municipal Code 16-30.120 (B), the purpose of lot coverage limitation is "...to help promote the aesthetic qualities of spaciousness and privacy...and reduce excessive run-off and help provide usable yard spaces...". The garage area, as designed, is in conformance with all of these values. Also, the proposal meets all setback, height limitations, and floor area restrictions so the granting of this variance will not provide this site with any special privileges.

3. A strict application of the zoning regulation would result in a home design that is either more of a vertical structure (three story down hill face) or in retaining walls taller than 6' in height. Either option would have a much larger impact on the visibility of the home on the neighborhood.
4. The granting of the variance would a benefit to the neighborhood and not be detrimental to the public welfare or injurious to other properties in the area. The variance allows the proposed design to be more horizontal in nature which helps minimizes the vertical visual presence on the hillside, allows lower retaining wall heights for the exposed site retaining walls, and provides a valuable fire apparatus turnaround which benefits all residences at that end of Vistazo East. The proposed design and requested variance also meets the intent of the lot coverage ordinance in helping to promote spaciousness, privacy, reduced runoff and providing usable yard space.

## Design Guideline for Hillside Dwellings: Findings



### Goal 1: Reduce visual bulk of a structure.

- Principle 1:
  - The proposal utilizes the hillside to reduce the effective bulk from below and afar. The majority of the proposal is 10'-15' below the 30' height limit.
- Principle 2:
  - The proposal includes the majority of outdoor spaces that are provided by using on grade side patios and lower level roof areas as decks.
- Principle 3:
  - The proposed design includes breaking the upper floor into four articulated sections including one that is fully underground. The lower floor is stepped down the hill and utilizes grading below to reduce the understory exposure.
- Principle 4:
  - The roof scape utilized several flat/low slope roofs arranged to follow the site contour lines and break up the roof into smaller pieces.
- Principle 5:
  - The home, driveway and patios utilize the hillside contours by laying the home out horizontally along the contours and by stepping the home down the hill.
- Principle 6:
  - We have utilized roof overhangs to help protect against excessive sunlight. By locating them primarily on the southern portion of the building and minimizing them on the northern side we have located them to reduce the effective bulk while providing solar shading where it is most valuable.
- Principle 7:
  - We have limited retaining wall height on the driveway by the careful location of the driveway on the site and using stepped retaining walls to limit the height to less than 6'. On the house, all taller retaining walls are hidden from off-site views by locating building structures in front of them or using grading to minimize the visual height.
- Principle 8:
  - The proposal includes four basic building materials, wood, glass, concrete & stone tile. These materials enhance the composed broken up forms of the home.
- Principle 9:
  - The spaces behind the bedrooms on the lower level, the family room and adjacent patio are all located in below grade to take advantage of the thermal protection. The garage is completely located underground. Most of the living spaces are aligned to take advantage of the morning sun while being shaded from the afternoon western exposure.
- Principle 10:
  - The 3-dimension composition of the proposal balances the horizontal and vertical forms while placing an emphasis on the horizontal cues of the topography.

**Goal 2: Reduce general environmental impact of a structure on the neighborhood.**

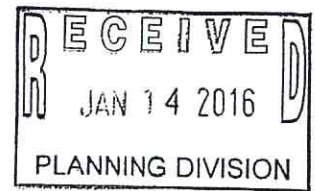
- Principle 1:
  - The wood, stone tile and concrete material pallet will blend in with the site both during the winter rainy and the summer dry months. The broken up forms of the home and the native landscaping will help blend the proposed home into the existing neighborhood.
- Principle 2:
  - The roof shapes, building forms and outdoor areas are well broken up to reduce large expansive forms and create harmonious composed forms.
- Principle 3:
  - The proposal includes four basic building natural materials, wood, glass, concrete and stone tile. The window frames, building trim and concrete will be darker tones to help blend the overall pallet into the hillside.
- Principle 4:
  - The proposal includes no skylights or reflective roof surfaces to reduce the glare potential for uphill neighbors. The window trim is proposed as dark bronze and the roof overhang will help reduce any potential of reflective glare.
- Principle 5:
  - There are no unsightly exposed structural or mechanical elements proposed. The home is designed to be visually pleasing from above and below.
- Principle 6:
  - Great care has been taken to locate windows to take advantage of the wonderful bay views, take in morning and early afternoon sunlight while avoiding the afternoon sun and provide privacy between the uphill, downhill and side neighbors.
- Principle 7:
  - The building orientation and fenestration is primarily northeast to take advantage of the morning solar gain when desirable while shielding the afternoon western sun. The upper floor utilizes a single room wide layout to capture cross ventilation primarily from the cool areas of the motor court and side patios. We have located evaporative cooling features (pool and reflecting pool) close to the living areas to help draw cross ventilation through the home from the cooler areas of the motor court and side patio. The roof overhangs are designed to be wider in the western portion and thinner in the eastern portion to provide the shading when it is needed. Wide door openings in the upper level should help provide ample cross ventilation and the perfect open living the Marin environment calls for. The lower level is tucked into the hillside with only a northeastern exposed face.
- Principle 8:
  - The landscaping is designed to shade the proposed home from the western exposure and help screen the home from the uphill, downhill and side neighbors. All plants are drought tolerant and selected to thrive in the specific location. Earth berms and landscaping have been used to reduce the overall visual impact of the new home.
- Principle 9:
  - The outdoor area locations and the large distances between the new home and the adjacent neighbors will provide acoustic privacy

- Principle 10:
  - This proposal includes no outbuildings
- Principle 11:
  - The home siting is tucking into the side of the hill and the forms are broken up so it should not have any excessive prominence.
- Principle 12:
  - Great care has been employed to locate the driveway, fire truck turnaround and garage to minimize the visual impact on the neighborhood. The driveway is designed to reduce the downhill retaining wall by using a long sweeping approach along the site contours as much as possible. The fire truck turnaround location was located tucked into an existing acacia tree cluster to reduce the visual impact. The garage is fully underground and located behind the home and should be virtually invisible to adjacent neighbors.
- Principle 13:
  - The proposal conforms to the 30' height limit plus the majority of the proposed structure is 10'-15' below the height limit.

### Goal 3: Preserving existing views

- Principle 1:
  - The location of the proposed dwelling has no view blockage on existing neighbor's views of the bay, shoreline, San Francisco or GGB.
- Principle 2:
  - The proposed landscaping is design and selected to provide screening from neighbors while tree and plant selection has been chosen to limit the mature heights of the plant to prevent future view blockage.
- Principle 3:
  - The location of the proposed dwelling has no view blockage on existing neighbor's views of the bay, shoreline, San Francisco or GGB.
- Principle 4:
  - There are no existing foreground trees on site currently.
- Principle 5:
  - Great care has been taken to locate windows to take advantage of the wonderful bay views, take in morning and early afternoon sunlight while avoiding the afternoon sun and provide privacy between the uphill, downhill and side neighbors.
- Principle 6:
  - Fortunately this site and proposed home location avoid the privacy and view conflict.
- Principle 7:
  - The location of the proposed dwelling has no view blockage on existing neighbor's views of the bay, shoreline, San Francisco or GGB.
- Principle 8:
  - Fortunately "borrowed views" are not an issue with this site and proposed home location.

2225 Vistazo East, Tiburon, 94920



**Neighborhood Outreach: as of 1-11-16**

In an effort to minimize the impact a new may have and coordinate our proposal into the fabric of the neighborhood we have completed the following neighborhood outreach listed below.

- 9-12-15: Pre-design project intent letter send out to adjacent neighbors to notify of planned project and will meet at their request to hear any concerns or request as we begin the site plan and house design process
  - Letter sent out to 15 adjacent neighbors
- 9-16-15: meeting with Steve Schwartz, 490 Ridge Rd.
  - Concerns
    - Landscaping for privacy – not too short-not too tall (deed restriction?)
    - Roof appearance.
- 9-16-15: email from Chris Armstrong 2160 VE
  - I replied to set up meeting.
- 9-18-15: meeting with Chris & Judy Armstrong
  - Contentious nature of Frankovich proposal on this lot, 1997
    - Visual impact was huge
  - Drainage concerns, mostly coming from other properties up the street
  - Private roadway (maintenance) & private sewer (in bad shape).
  - Driveway entrance, concern danger while Armstrongs are backing out.
- 9-23-15: phone meeting with Angiola Laviziano of 1940 Straits View Drive
  - Not too concern about visual impact, (except skylights)
  - Interested in Solar or green design in proposal
- 10-8-15: outreach letter to new resident of 1910 Straits View Drive
- 10-10-15: Meeting with Jay & Laura Cohen of 460 Ridge Road.
  - Concern over view blockage (none) and landscape screen in between.
- 10-15-15 phone conversation with Catherine Halpern
  - She gave me her address (daughter now lives at 2151V.E.)
  - She opposed Frankovich project
  - Would like not to have 2221 V.E. connect to her private sewer line
  - Does not want the street widened –told her we will be required to widened maybe just 2 feet and not on her property (in ROW)
  - She said there are no springs on her or the 2221 V.E. property
- 10-15-15: Project intent letter send out to Michael Schirmer's residing address
- 10-16-15: phone conversation with Lark Halpern of 2151 VE
  - Concerns are view blockage (east bay)
  - Street widening (not in favor of)
  - Side to side privacy
- 10-23-15: Spoke with Michael Schirmer of 2220 V.E.
  - Described house location, driveway access and drainage concept.
- 11-5-15: Project Design letter send out to adjacent neighbors to notify that design layout has been completed and we will review with them at their request.
  - 13 neighbors
- 11-12-15: Meeting with Jennifer Woo, 1910 Straits View Drive
  - Concerns over construction noise/duration and visibility from upper floor

## 2225 Vistazo East, Tiburon, 94920

- 11-14-15: received project support letter email from Bruce Powel 2180 Vistazo East.
- 11-19-15: phone conversation with Lark Halpern,
  - Reviewed project details and set up meeting to review project at 2151 VE.
- 11-23-15: Meeting with Chris & Ian Armstrong (2160 VE)
  - Reviewed site, floor plans & 3d model
  - Supported project & street widening
  - Supports adding (n) sewer line down hill
  - Reviewed localized drainage issues, most/all comes from up the street
- 11-30-15: meeting with Lark & Catherine Helpen
  - Reviewed project plans and review process
  - They generally supported the project, did not support road widening, did not want new house to connect to their sewer system (not proposed).
- 12-4-15: Met with Jay Cohen & Laura Cox, 460 Ridge Road.
  - Reviewed project plans and 3d model from their home
  - Walked project site and proposed home location
  - Reviewed landscaping
  - They generally supported the project
- 12-7-15: Met with Steve Swartz, 490 Ridge Road.
  - Reviewed plans and 3d model
  - They generally supported the project
  - Would like to review landscaping between homes once story polls are up.
- 12-16-15: phone conversation with Carol McKegney.
  - Did not receive 9/12 & 11/5 mailers (renter id not forward them to here)
  - Questions on septic connection: described proposed and that her lot has a septic easement across 2225.
  - Described project size, location, driveway and neighbor outreach and current support.
  - Will send all future notices to her Petaluma address.
- 1-5-16: phone conversation with Lark Halpern,
  - Reviewed road widening requirements of 14 per TFPD, she does not support this.

**RESOLUTION NO. 97-1**

**A RESOLUTION OF THE DESIGN REVIEW BOARD OF THE TOWN OF TIBURON  
DENYING A SITE PLAN AND ARCHITECTURAL REVIEW APPLICATION  
FOR A NEW SINGLE-FAMILY DWELLING AT 2225 VISTAZO EAST**

ASSESSOR PARCEL NO. 59-091-55

WHEREAS, the Design Review Board of the Town of Tiburon does resolve as follows:

Section 1. Findings.

- A. On March 7, 1997, the Town of Tiburon received an application for a Site Plan and Architectural Review for the construction of a new single-family dwelling (Application #797029) on property located at 2225 Vistazo East. The application consists of the following:
1. Application Form received March 7, 1997
  2. Site Plan, Elevations and Landscaping Plan, prepared by Cowan and Associates, Carlenzoli and Associates, and Geared for Growing Landscape Services
- C. The Design Review Board held duly-noticed public hearings on May 15, 1997, June 19, 1997, and September 18, 1997, and heard and considered testimony from interested persons.
- D. Applicant originally proposed to construct a 6,668 square foot residence on the subject property. At the May 15, 1997, meeting, concerns were raised by the Design Review Board and surrounding residents and property owners regarding the design, size and massing of the proposed house in comparison to the surrounding neighborhood. The Design Review Board directed the applicant to prepare a detailed landscaping plan, to make the color of the roof and trim darker, and to address the mass and bulk of the building. The request was continued to the June 19, 1997, meeting.
- E. At the meeting of June 19, 1997, the applicant presented a more detailed landscaping plan and a rendering showing darker colors for the proposed house. Concerns were again raised by the Design Review Board and surrounding residents and property owners regarding the size and scale of the proposed house, and its inappropriateness compared to the Old Tiburon neighborhood. The Design Review Board expressed concerns over the lack of information available in the submitted plans, which were found to be insufficient to properly analyze the proposed residence. After reviewing the plans, the Design Review Board directed the applicant to provide: 1) information on why the proposed water tanks cannot be buried more

than two feet into the ground; 2) a grading plan; 3) a landscaping plan for treatment of the site, house, retaining walls and water tanks; 4) elevations that indicate the height of the retaining walls; 5) complete plans that precisely explain the project as to how the entire site would be developed; and 6) a color rendering that is closer to the actual colors proposed for the house. Emphasis was to be placed in this information on the retaining walls and how the house fits in with the fabric of the neighborhood. The request was continued to the September 18, 1997, meeting.

- F. The applicant subsequently presented a revised plan that reduced only 15 square feet in the overall size of the proposed building. A colored elevation was presented at the September 18, 1997, meeting purporting to show the front view of the house and the proposed retaining walls; however, the architect for the project admitted that the drawing was inaccurate, as it did not reflect the true dimensions of the proposed retaining walls along the driveway which would be visible from the front of the site.
- G. The Staff report prepared for the September 18, 1997, meeting included a table analyzing the sizes of 31 homes within 300 feet of the subject property. A total of 25 of these 31 homes are less than half the size of the proposed 6,655 square foot house.
- H. The Design Review Board reviewed the revised plans for the proposed project in accordance with Section 4.02.06 (d) of the Tiburon Zoning Code (Guiding Principles for Site Plan and Architectural Review), which states that the "height, size or bulk of the proposed building in relation to the character of existing buildings in the vicinity" shall be considered in the evaluation of Site Plan and Architectural Review applications. The Design Review Board finds, based upon application materials and analysis presented in the May 15, June 19 and September 18, 1997 Staff Reports, public testimony from surrounding residents and property owners, as well as visits to the site, that the size and bulk of the proposed house do not conform to the character of existing buildings in the vicinity of the subject property. The physical size of the proposed house is significantly larger than the majority of homes in the vicinity. The bulk and scale of the proposed house would be much larger than the predominant appearance of homes in the vicinity.

## Section 2. Denial.

NOW, THEREFORE BE IT RESOLVED that the Design Review Board of the Town of Tiburon does hereby deny the proposed Site Plan and Architectural Review application for the reasons set forth above.

PASSED AND ADOPTED at a regular meeting of the Design Review Board of the Town of Tiburon on October 2, 1997, by the following vote:

AYES:  
NOES:  
ABSENT:

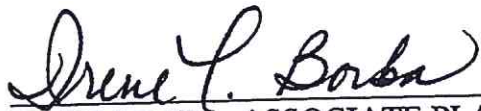
BOARDMEMBERS:  
BOARDMEMBERS:  
BOARDMEMBERS:

HOWARD, BEALES, DOANE  
NONE  
FYFFE, SNOW

ORIGINAL SIGNED BY CARLA HOWARD

CARLA HOWARD, CHAIRMAN  
TIBURON DESIGN REVIEW BOARD

ATTEST:

  
IRENE BORBA, ASSOCIATE PLANNER

DB797029.RES

**RESOLUTION NO. 3267**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF TIBURON  
REGARDING THE DENIAL OF AN APPEAL BY THOMAS FRANKOVICH  
OF THE DENIAL OF SITE PLAN AND ARCHITECTURAL REVIEW  
FOR PROPERTY LOCATED AT 2225 VISTAZO EAST**

WHEREAS, on May 15, 1997, the Design Review Board held a public hearing to consider the approval of a Site Plan and Architectural Review application for construction of a new 6,668 square foot single-family residence at 2225 Vistazo East, proposed by Thomas Frankovich ("Owner"); and

WHEREAS, after receiving public testimony, including concerns raised by neighboring property owners regarding the size and colors of the proposed house and its compatibility with the surrounding neighborhood, the Board continued the request, with direction that the applicant make efforts to address the mass and bulk of the building, prepare a detailed landscaping plan, and make the colors of the house darker; and

WHEREAS, on June 19, 1997, the Design Review Board held the continued public hearing, and, after considering the modifications made to the plans to show more detailed landscaping and a revised color palette, but no changes to the overall size and design of the house, and receiving additional public testimony, the Board continued the request, with direction to the applicant to provide additional information regarding the scale of the retaining walls and how the house could better fit in with the fabric of the Old Tiburon neighborhood in which it was proposed to be located; and

WHEREAS, on September 18, 1997, the Design Review Board held the continued public hearing, and considered: 1) revised plans which reduced the size of the proposed house by 15 square feet (0.22%), reduced the height of the garage, and which included several driveway changes, some roof articulation, and columns along the side of the house; 2) an analysis prepared by Town Planning Staff of the sizes of 31 homes within 300 feet of the subject property, which indicated that the average size of these homes was 2,577 square feet, and that 25 of these 31 homes were less than half the size of the proposed house; and 3) additional public testimony from surrounding property owners regarding the incompatibility of the proposed house with its Old Tiburon neighborhood; and

WHEREAS, after receiving public testimony, the Design Review Board determined that the proposed house was incompatible with the development pattern of the surrounding Old Tiburon neighborhood, as expressed by a statement read into the record by Board Chairman Carla Howard (attached as Exhibit 'A'), and directed Staff to prepare a resolution denying the Site Plan and Architectural Review application for this property; and

WHEREAS, on October 2, 1997, the Design Review Board adopted Resolution No. 97-1, denying the Site Plan and Architectural Review application for the construction of a new single-family residence on property located at 2225 Vistazo East; and

WHEREAS, on October 10, 1997, the Owner filed an appeal of the Board's decision to deny this application; and

WHEREAS, after several continuances made at the request of the Owner, the appeal came before the Town Council of the Town of Tiburon on February 4, 1998, at which time the Town Council held a duly-noticed public hearing on the appeal; and

WHEREAS, on February 4, 1998, after hearing all testimony and reviewing all documents in the record, the Town Council found that: 1) the Council concurs with Board Chairman Howard's analysis of the issues presented by the proposed house under the Town's Municipal Code and the Town's Guiding Principles for Site Plan and Architectural Review, as set forth in the statement attached as Exhibit A, which statement is hereby incorporated herein by reference; 2) the Council further concurs with the findings of the Design Review Board as set forth in their Resolution No. 97-1, which resolution is hereby incorporated herein by reference; 3) the existing homes in the neighborhood are generally much smaller than the proposed house, both in appearance and in actual square footage; 4) the development on the other properties in the neighborhood is generally much less intensive than that proposed by the Owner, in that the actual floor area ratio ("F.A.R.") on those properties is only 61% of the maximum allowed under the Zoning Ordinance, whereas the F.A.R. of the proposed home would be 99.7% of the maximum; 5) the larger size of the subject parcel does not justify the size of the proposed residence, and 6) the mass, bulk and size of the proposed house would be incompatible with the character of the Old Tiburon neighborhood; and

WHEREAS, based on the above findings, the Council determined to deny the appeal by the Owner (a vote of 5-0);

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon memorializes that the appeal of Thomas Frankovich was denied, on February 4, 1998, as set forth in this resolution.

PASSED AND ADOPTED at a regular meeting of the Town Council on February 18, 1998, by the following vote:

|         |                 |                                           |
|---------|-----------------|-------------------------------------------|
| AYES:   | COUNCILMEMBERS: | Bach, Gram, Hennessy, Matthews & Thompson |
| NOES:   | COUNCILMEMBERS: | None                                      |
| ABSENT: | COUNCILMEMBERS: | None                                      |

  
HARRY S. MATTHEWS, MAYOR  
TOWN OF TIBURON

ATTEST:

  
\_\_\_\_\_  
DIANE L. CRANE, TOWN CLERK

READ INTO RECORD BY CARLA HOWARD 9/18/97

Thoughts on the Frankovich application, September 17, 1997

Re: Size, bulk and mass:

Reflecting the will of this community, the town of Tiburon has legally adopted the *Guiding Principles for Site Plan and Architectural Review*. This means that the principles stated within it are to be given equal weight to those town ordinances which govern the maximum floor area, height and lot coverage for a specific site. The obligation to do so applies equally to the Design Review Board, to the town staff and to the Town Council (should a decision be appealed), when considering the appropriateness of a proposed project to be built within the town's boundaries.

It is, therefore, the will of the town of Tiburon that the Design Review Board, which serves at the pleasure of the Town Council, review as stated in these Guiding Principles, the "height, size, or bulk of the proposed building in relation to the character of existing buildings in the vicinity."

The proposed home is to be built on a parcel of land that is situated in a "transition area" between two already-developed neighborhoods, considered for the purposes of this review as "the vicinity." This application's floor area is more than double that of over 80% of the homes in the vicinity. Therefore, in doing our duty by following the guidelines as quoted above, the board must be sensitive to what—in the context of this "vicinity"—is the exceptional square footage of the house proposed.

In addition, because of, as the applicant Mr. Cowan characterized it, the "very steep slope" of this site, he proposes building extensive retaining walls to provide both a flat building site for the house above and a flat site for the garage and carport below. Additionally, the steep site will require more retaining walls to support a driveway which climbs up some 28 feet from the street. Plus there's also the additional visual impact of the 24'-wide facade of a pair of 12'-wide water tanks placed side by side and exposed 5' above ground level.

The net result is that, in addition to the elevations of a house and garage stacked on four levels as viewed from below, the impact of the supporting structures for the house and the driveway must also be considered. These structures, as required by this steep site, would otherwise be nonexistent in a flat location elsewhere in town, making the bulk a less sensitive issue.

Frankovich, page 2

According to an estimate made at a recent meeting by a member of our board who is also a fellow of the American Institute of Architects, the net visual impact of these retaining walls could as much as double the presence of the house on this site. Therefore, again following the above-stated guidelines, the board must also be sensitive to the appearance of height (although the proposed house itself does not exceed the 30' limit) as well as the bulk of this house. Such sensitivity is especially important because of the exceptional square footage when considered within the context of this vicinity as noted above.

On May 15, 1997, the applicant made the first presentation on this application before the Design Review Board. ~~No landscaping plan accompanied this proposal prior to, or at this meeting.~~ The attending members of the Design Review Board, having each visited the site and the surrounding area prior to this meeting, specifically expressed their concerns during that meeting about both the size and the mass of this house in relation to its effect on the character of Old Tiburon. At that meeting, Mr. Cowan suggested that landscaping devices such as "vines and ivy" would address the bulk issue and promised that a detailed landscape plan would be prepared for the next meeting. The board granted a continuance to June 5 to allow the applicant time to develop a more detailed response to how specifically landscaping could resolve the bulk and mass issue.

The proposal was subsequently continued at your request to June 19.

On June 19, 1997, the occasion of the second presentation of this application before the board, Mr. Cowan offered a detailed landscaping proposal to the board. However, board members did not receive a reduced copy in advance of this meeting, as is customary. An advance copy would have enabled members to adequately evaluate the landscape material choices from the specific and complex standpoint of their effectiveness in reducing the effect of this house's bulk.

During the meeting, members of the Design Review Board stated that their concerns about the bulk of the total application were still unresolved and that it was also necessary to be able to see elevations of how the retaining walls for the driveway up the hillside—just brought to their attention in

Frankovich, page 3

the landscape plan—would also affect the overall mass and bulk of the proposal. The applicant was additionally given the suggestion from several members of the board that he look directly at the design of this house to find ways to minimize its size and bulk on the hillside. Again, a continuance was granted so that this time the applicant would be able to prepare, among other things, a grading plan and elevations that would indicate how high the retaining walls would be. As is stated in the minutes of that meeting "The main issues are the retaining walls and how the house will fit in with the fabric of the neighborhood." The application was granted a 90-day extension to the time limit imposed by the Permit Streamlining Act. The board approved this so that the applicant might have time to prepare a response to these still unresolved concerns. The applicant agreed to a continuance for the meeting of July 13, 1997.

The proposal was subsequently continued at the applicant's request to tonight's meeting, September 18.

Tonight marks the third appearance before the board on this item. We have received the landscape plan which promises that 75% of the retaining and under-deck walls will be covered by vines in three years. The exact proposed location of these plantings is unspecified. This is the only solution the applicant has put forth to reduce the bulk of the proposed structure.

The revised architectural plans we received in preparation for this evening indicate a reshuffling of square footage from the house to the garage, yielding a net reduction of 15 sq. ft of floor area. This is less than 1/4 of 1% of a reduction in size from the original proposal of 6,668 square feet. This is the only solution the applicant has proposed to reduce the size of this structure.

As the applicant's site is defined as a "transitional site" between two different neighborhoods, the issue for our review of size tonight is best considered in the statistical review of neighboring properties which I requested of staff prior to this meeting. The results have been included in the Staff Report which was completed for public review as of last Friday, September. 12.

Frankovich, page 4

Of the 31 homes within 300 feet of the applicant's property, only one is slated to exceed the size of this application. The house on this site does not do so now. However, the 10,270 square foot application was granted to the owners of 1960 Straits View Drive for the following reasons—none of which are analogous to- or supportive of- the proposal before us: 1. that site exceeds two acres and the building area is more level than this one; 2. the square footage is spread over four detached structures; 3. the retaining walls for the driveway are uphill behind the house and are hidden from sight downhill; 4. the house and its dependencies are hidden from the street above; and 5. they are also nearly invisible from immediate neighbors as well as from the community at large.

The second largest home in the area is the 4,768-square-foot chateau the applicant presented on May 15 in photos as an example of appropriate neighborhood context. While Ms. Kelly, the chateau's owner, supports the applicant's plans according to Mr. Frankovich's letter of September 16, her home is situated well above this site so that the building of the proposed home should have no effect on the enjoyment of her property whatsoever.

As the staff report continues, the next largest home out of the 29 remaining is 3,715 sq. ft.—nearly 3,000 square feet smaller than the proposed residence. And out of the remaining 29 houses, 25 have even less than half the floor area of the proposed 6,655 square foot house—representing a considerable size disparity with most of this "vicinity" any way you look at it.

I would like the board to consider three possible options we might pursue in our discussions on tonight's proposal: One might be to grant a conditional approval. This would be appropriate if you believe that we can fulfill our duty as outlined in the Guiding Principles by relying on landscaping and color as both effective and lasting solutions to the issues of size and bulk. An approval might be offered conditional to the satisfactory review of "a more detailed, fully dimensioned set of plans which clearly indicates that the house is within the maximum floor areas ratio for this parcel," as the staff report suggests. Additionally, a conditional approval might also be subject to a review of the specific elevations of the driveway retaining walls, and their exact plantings (as well as the precise color rendering of the buildings, if still not done).

Frankovich, page 5

Another option might be to grant a continuance. This would be designed to allow the applicant the time remaining on their extension to search for further ways to tweak this design with the goal of reducing its bulk on the hillside. Some ideas might be proposed such as breaking up the building into two or three structures, digging it further into the hillside, returning the arches to the deck wall, etc. The board might also suggest an amount by which to reduce the square footage (if the applicant has expressed a willingness to make the house smaller).

Lastly, however, you may wish to vote for a denial. This would be appropriate if you believe that this application, as currently designed or even possibly tweaked, is incapable of conforming in either size or bulk "to the character of existing buildings in the vicinity." Under this option, the applicant may again go through the design review process within the year as long as the new proposal is for a "substantially different" project. Otherwise he must wait a year before returning with an application. To exercise this option, we would state the reasons for the denial in the motion. We would also instruct staff to return with a resolution at the next meeting which formalizes the reasons for our finding.



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
February 18, 2016  
Agenda Item: **2**

## **STAFF REPORT**

**To:** Members of the Design Review Board

**From:** Community Development Department

**Subject:** 4030 Paradise Drive; File #DR2015142 and FAE2015014  
Site Plan and Architectural Review for the Construction of Additions to  
an Existing Single-Family Dwelling, with a Floor Area Exception

### **PROJECT DATA**

**ADDRESS:** 4030 PARADISE DRIVE  
**ASSESSOR'S PARCEL:** 039-091-11  
**FILE NUMBER:** DR2015142 AND FAE2015014  
**PROPERTY OWNERS:** TAYLOR LEMBI  
**APPLICANT:** Y.A. STUDIO  
**LOT SIZE:** 28,000 SQUARE FEET  
**ZONING:** RO-2 (RESIDENTIAL OPEN)  
**GENERAL PLAN:** M (MEDIUM DENSITY)  
**FLOOD ZONE:** X  
**DATE COMPLETE:** JANUARY 26, 2016

### **PROJECT DESCRIPTION**

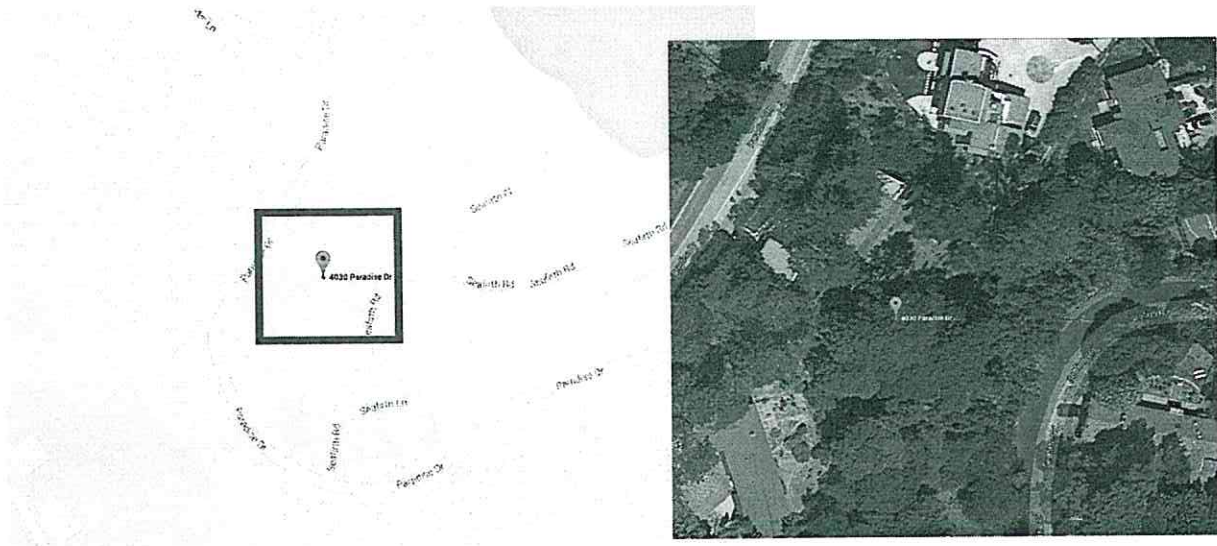
The applicant is requesting design review approval for the construction of additions to an existing single-family dwelling, with a floor area exception, on property located at 4030 Paradise Drive. The existing 3,468 square foot single-family dwelling includes a dining room, kitchen, living room, family room, and a bathroom on the main level; and a master bedroom suite, bathroom, and two bedrooms on the upper level. There is also an existing multi-level detached accessory structure with a 492 square foot garage in the front property and wooden decks to the sides and rears of the site.

As part of an interior remodel and additions to the existing home, the proposal would add a 1,601 square foot lower level, which includes a playroom, gym, laundry room, bathroom, and master bedroom suite. A 214 square foot addition to the main level would include a great room and library. Other improvements include new wooden decks with glass railings at the main level and lower level; a rooftop deck over a portion of the new addition; four new skylights; a new chimney; and solar panels on the roof of the main structure and accessory structure. A new pool, spa, BBQ area and retaining walls would be located in the rear adjacent to the lower level deck.

The proposal would result in lot coverage of 4,115.5 square feet (14.7%), which is below the maximum 15% permitted lot coverage in the RO-2 zone. The proposal would result in a floor area of 5,283 square feet, which is 483 square feet above the 4,800 square foot floor area ratio for the property. A floor area exception is therefore required.

The exterior of the home would become contemporary with a mixture of wood, concrete, and cement for siding, with black trim. White ballast for roofing with a small portion of the roof would be a “green roof”. A colors and materials board has been submitted and will be present at the meeting for the Board to review.

### **Project Setting**



The subject property is located on Paradise Drive and slopes down from Paradise Drive to Seafirth Road. The home and neighborhood has views of San Rafael-Richmond Bridge and the bay. The property currently is surrounded by a large amount of existing mature trees that reduces potential privacy impacts between the adjacent neighbors and the subject property. The majority of the trees would remain and maintain a privacy buffer between the neighbors.

### **ANALYSIS**

#### **Design Issues**

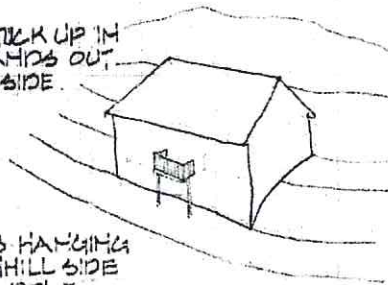
The site layout of the proposed improvements would not appear to create any view or privacy impacts or light pollution for the adjacent neighbors. The closest adjacent neighbor's home at 7 Seafirth Place is located downhill from the subject property and oriented towards the bay. The majority of the new windows would be facing downhill towards Seafirth Road and not towards the adjacent neighbors.

The following principle of the Hillside Design Guidelines should be used in evaluating the design of the improvements as proposed:

Goal 1, Principle 2 of the Hillside Design Guidelines states that *"Terrace building using the slope. Use roofs of lower levels for the deck open spaces of upper levels."* The majority of the addition would be under the existing footprint of the home and decks, which the decks would terrace downwards to the pool and pool deck. The new decking would be on multiple levels with a rooftop deck on top of a portion of the addition and the rest of the decking on the main level and lower level.

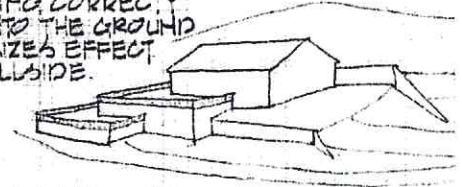
NO

- BUILDING STICKS UP IN THE AIR STANDING OUT ON THE HILLSIDE.
- AVOID DECKS HANGING FROM DOWNHILL SIDE WITH LONG POLE SUPPORTS.



YES

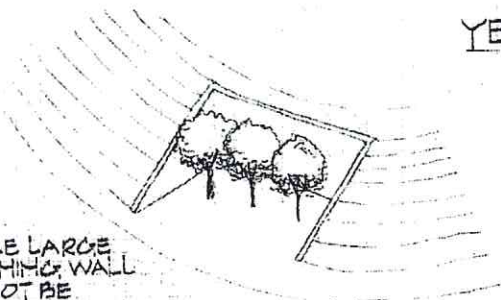
- BUILDING CORRECTLY FITS INTO THE GROUND MINIMIZES EFFECT ON HILLSIDE.
- USE ROOF DECKS, LOW LEVEL DECKS, SIDE OF BUILDING DECKS.



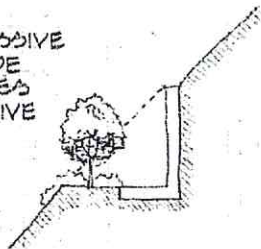
Goal 1, Principle 7 of the Hillside Design Guidelines states that *"Avoid large retaining walls in a uniform plane. Break retaining walls into elements, terraces."* New retaining walls would be situated at the pool deck and terrace downwards on the hillside. New landscaping would be planted between the walls to provide screening and reduce any bulk from the new walls. In addition, the landscaping would soften the walls and help blend the walls into the hillside.

NO

- SINGLE LARGE RETAINING WALL CANNOT BE SCREENED EASILY.

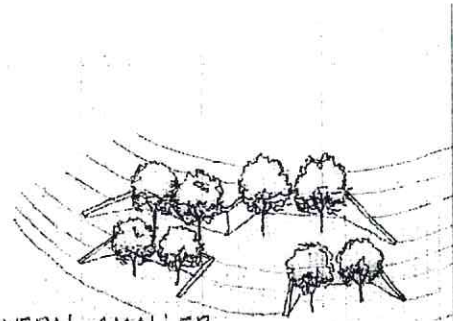


- SINGLE RETAINING WALL MAKES A MASSIVE SCAR ON HILLSIDE, TOE OF WALL PRECLUDES PLANTING OF EFFECTIVE SCREEN.

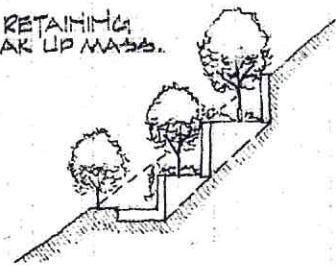


YES

- SEVERAL SMALLER RETAINING WALLS CAN BE SCREENED.



- TERRACED RETAINING WALLS BREAK UP MASS.



The Design Review Board is encouraged to visit the site and view the project story poles from the adjacent homes.

## **Zoning**

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted floor area exception.

In order to grant the requested floor area exception, the Design Review Board must make the following findings as required by Section 16-52.020(I [4]) of the Tiburon Zoning Ordinance:

### Floor Area Exception Findings

1. ***The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.***

The proposed improvements would not substantially alter the visual size and scale of the existing dwelling, as the project would maintain the same footprint as the existing dwelling and decking with updated modifications. Therefore, the visual size and scale of the dwelling as proposed would remain compatible with the existing structures in the surrounding neighborhood.

2. ***The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, shape and steepness of the lot, ease of access, and the presence of natural features worthy of retention, such as trees, rock outcroppings, stream courses and landforms.***

The proposed improvements would be compatible with the physical characteristics of the site because the proposal includes maintaining the same footprint as the existing house and decking. The improvements would be in the same location as the existing landscaping, decks, and dwelling and would not change the character of the neighborhood and would continue to be compatible with the physical characteristics of the site.

From the evidence provided, Staff believes there is sufficient evidence to support the findings for the requested floor area exception.

## **PUBLIC COMMENT**

As of the date of this report, no correspondence has been received regarding the subject application.

## **PRELIMINARY ENVIRONMENTAL DETERMINATION**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15301 and 15303.

## **RECOMMENDATION**

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) [Guiding Principles] 16-52.020 (I) [Floor Area Guidelines] and applicable sections of the Hillside Guidelines, and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section CEQA Guidelines 15301 and 15303. If the Board can make the appropriate findings to approve the project as proposed, it is recommended that the attached draft conditions of approval be applied.

## **ATTACHMENTS**

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

Prepared by: Kyra O'Malley, Associate Planner

## ATTACHMENT 1

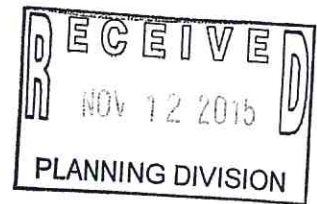
### **CONDITIONS OF APPROVAL 4030 PARADISE DRIVE FILE NO. DR2015142 and FAE2015014**

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on November 12, 2015, or as amended by these conditions of approval. Any modifications to the plans of February 8, 2016 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge, with defense counsel subject to the Town's approval. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
8. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address; work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company

- name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.
9. The project shall comply with the requirements of the California Fire Code to the satisfaction of the Building Official. The Tiburon Fire Protection District (TFPD) recommends the following conditions of approval:
- a. The structures (main house and garage/guest house) shall have installed throughout an automatic fire sprinkler system. The main house shall have an NFPA 13R system due to the size of the structure. The system design, installation and final testing shall be approved by the District Fire Prevention Officer (CFC 903.2)
  - b. Approved smoke alarms shall be installed to provide protection to all sleeping areas (CFC 907.2.10)
  - c. The vegetation on this parcel shall comply with the requirements of TFPD and the recommendations of Fire Safe Marin. (CFC 304.1.2)
    - 1. The existing bamboo shall be removed
  - d. Fire Department access shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of this first story (CFC 530.1.1)
    - 1. Added landscape stairs and alternate routes are accepted to meet the requirements
  - e. Photovoltaic system shall comply with TFPD standard 605.11. "Alternative Power Sources"
10. All requirements of the Marin Municipal Water District shall be met, prior to issuance of a building permit.
11. All requirements of the Sanitary District No. 5 shall be met, prior to issuance of a building permit.
12. For fencing/walls within the required setbacks shall not exceed six feet (6') in height at any point, measured from grade.
13. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
- a. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.
  - b. Stairs in the right-of-way must be permitted through an encroachment permit application process with plans for Public Works review.
  - c. Permanent improvements in the right-of-way are not permitted. This includes fences, retaining walls, and other permanent improvements.



TOWN OF TIBURON  
LAND DEVELOPMENT APPLICATION



TYPE OF APPLICATION

- |                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>○ Conditional Use Permit</li><li>○ Precise Development Plan</li><li>○ Secondary Dwelling Unit</li><li>○ Zoning Text Amendment</li><li>○ Rezoning or Prezoning</li><li>○ General Plan Amendment</li><li>○ Temporary Use Permit</li></ul> | <ul style="list-style-type: none"><li>✓ Design Review (DRB)</li><li>○ Design Review (Staff Level)</li><li>○ Variance(s) _____ #</li><li>✓ Floor Area Exception</li><li>○ Tidelands Permit</li><li>○ Sign Permit</li><li>○ Tree Permit</li></ul> | <ul style="list-style-type: none"><li>○ Tentative Subdivision Map</li><li>○ Final Subdivision Map</li><li>○ Parcel Map</li><li>○ Lot Line Adjustment</li><li>○ Condominium Use Permit</li><li>○ Seasonal Rental Unit Permit</li><li>○ Other _____</li></ul> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

APPLICANT REQUIRED INFORMATION

SITE ADDRESS: 4030 PARADISE DRIVE PROPERTY SIZE: 28,000 SQF  
PARCEL NUMBER: 039-409-11 091-11 ZONING: RD-2

PROPERTY OWNER: TAYLOR LEMBI  
MAILING ADDRESS: 4030 PARADISE DRIVE TIBURON, CA 94920

PHONE/FAX NUMBER: 415-830-4242 E-MAIL: TLEMBI@UP-SE.COM

APPLICANT (Other than Property Owner): Y.A. STUDIO, ATTN: PRITI PAI  
MAILING ADDRESS: 777 FLORIDA STREET, SUITE 301

SAN FRANCISCO, CA 94110  
PHONE/FAX NUMBER: 415-920-1839 ext. 106 E-MAIL: PRITI@YA-STUDIO.COM

ARCHITECT/DESIGNER/ENGINEER Y.A. STUDIO, ATTN: PRITI PAI  
MAILING ADDRESS: SAME AS ABOVE

PHONE/FAX NUMBER: ✓ E-MAIL: ✓

*Please indicate with an asterisk (\*) persons to whom Town correspondence should be sent*

BRIEF DESCRIPTION OF PROPOSED PROJECT (attach separate sheet if needed):  
LOWER & HORIZONTAL ADDITION AND EXPANSION. NEW CONDITIONED  
BASEMENT, POOL & DECK AT BASEMENT LEVEL. HORIZONTAL EXPANSION AT  
MAIN LEVEL. INTERIOR REMODEL. RE-FINISHING OF ALL EXTERIOR FACADES,  
RECONFIGURED ENTRY STAIR. NEW ROOF.

I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made a part of this application in accordance with the provisions of the Town Municipal Code, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the Town grants the approval, with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the Town and also agree to defend, indemnify and hold the Town harmless from any costs, claims or liabilities arising from the approval, including, without limitation, any award of attorney's fees that might result from the third party challenge.

Signature:\*

[Signature], AGENT OF OWNER

Date: 11/12/2015

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs), which may restrict the property's use and development. These deed restrictions are private agreements and are NOT enforced by the Town of Tiburon. Consequently, development standards specified in such restrictions are NOT considered by the Town when granting permits.

You are advised to determine if the property is subject to deed restrictions and, if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Signature:\*

[Signature], AGENT OF OWNER

Date: 11/12/2015

*\*If other than owner, must have an authorization letter from the owner or evidence of de facto control of the property or premises for purposes of filing this application*

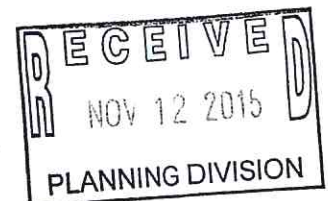
#### NOTICE TO APPLICANTS

Pursuant to California Government Code Section 65945, applicants may request to receive notice from the Town of Tiburon of any general (non-parcel-specific), proposals to adopt or amend the General Plan, Zoning Ordinance, Specific Plans, or an ordinance affecting building or grading permits.

If you wish to receive such notice, then you may make a written request to the Director of Community Development to be included on a mailing list for such purposes, and must specify which types of proposals you wish to receive notice upon. The written request must also specify the length of time you wish to receive such notices (s), and you must provide to the Town a supply of stamped, self-addressed envelopes to facilitate notification. Applicants shall be responsible for maintaining the supply of such envelopes to the Town for the duration of the time period requested for receiving such notices.

The notice will also provide the status of the proposal and the date of any public hearings thereon which have been set. The Town will determine whether a proposal is reasonably related to your pending application, and send the notice on that basis. Such notice shall be updated at least every six weeks unless there is no change to the contents of the notice that would reasonably affect your application. Requests should be mailed to:

Town of Tiburon  
Community Development Department  
Planning Division  
1505 Tiburon Boulevard  
Tiburon, CA 94920  
(415) 435-7390 (Tel) (415) 435-2438 (Fax)  
[www.townoftiburon.org](http://www.townoftiburon.org)



DO NOT WRITE BELOW THIS LINE

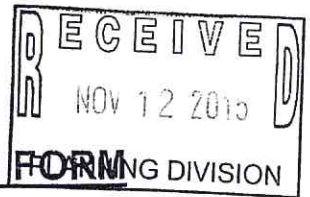
#### DEPARTMENTAL PROCESSING INFORMATION

Application No.: DR2015-142  
Date Received: 11/12/2015  
Date Deemed Complete: 1/26/16  
Acting Body:  
Conditions of Approval or Comments:

GP Designation:  
Received By: LS  
Action:

Fee Deposit: \$1555  
Receipt #: paid 2014  
By: DW see 714115  
Date:

Resolution or Ordinance #



# **DESIGN REVIEW SUPPLEMENTAL APPLICATION FORM**

Please fill in the information requested below (attach separate sheet as needed):

- Briefly describe the proposed project: LOWER & HORIZONTAL ADDITION & EXPANSION.  
ADDITION ~ 2,000 SQ.FT. NEW CARPORT CONDITIONED BASEMENT, POOL, & DECK  
AT BASEMENT LEVEL.
- Lot area in square feet (Section 16-100.020(L)): 28,000 SQ.FT.
- Square footage of Landscape Area: 24,000 SQ.FT.
- Proposed use of site (example: single family residential, commercial, etc.):  
 Existing SINGLE FAMILY RESIDENCE  
 Proposed SINGLE FAMILY RESIDENCE
- Describe any changes to parking areas including number of parking spaces, turnaround or maneuvering areas.  
NONE

| TO BE COMPLETED BY APPLICANT                                                             |                |                                     |                | STAFF USE ONLY  |              |
|------------------------------------------------------------------------------------------|----------------|-------------------------------------|----------------|-----------------|--------------|
| ITEM                                                                                     | EXISTING       | PROPOSED ADDITION AND/OR ALTERATION | PROPOSED       | CAL-<br>CULATED | PER ZONE     |
| <b>Yards</b><br>(Setbacks from property line)<br>(Section 16-100.020(Y)*<br><b>Front</b> | 30 ft.         | — 30 ft.                            | 30 ft.         | ft.             | ft.          |
| <b>Rear</b>                                                                              | 30 ft.         | — ft.                               | 30 ft.         | ft.             | ft.          |
| <b>Right Side</b>                                                                        | 15 ft.         | — 15 ft.                            | 15 ft.         | ft.             | ft.          |
| <b>Left Side</b>                                                                         | 15 ft.         | — 15 ft.                            | 15 ft.         | ft.             | ft.          |
| <b>Maximum Height</b><br>(Section 16-30.050)*                                            | 28'8" ft.      | 30'4" ft.                           | 30 ft.         | ft.             | ft.          |
| <b>Lot Coverage</b><br>(Section 16-30.120(B))*                                           | 8 2,352 sq.ft. | 1,730.4 sq.ft.                      | 4,082.4 sq.ft. | 4,115.5 sq.ft.  | 4,200 sq.ft. |
| <b>Lot Coverage as Percent of Lot Area</b>                                               | 8.4 %          | 14.58 %                             | %              | 14.7 %          | 15 %         |
| <b>Gross Floor Area</b><br>(Section 16-100.020(F))*                                      | 3,824 sq.ft.   | 1,968 sq.ft.                        | *5,792 sq.ft.  | 5,283 sq.ft.    | 4,800 sq.ft. |

\*Section numbers refer to specific provisions or definitions in the Tiburon Municipal Code Chapter 16 (Zoning)

Garage: 492

\* → INCLUDING GARAGE GSF



**TOWN OF TIBURON**  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Design Review Board Meeting  
February 18, 2016  
Agenda Item: **3**

## **STAFF REPORT**

**To:** **Members of the Design Review Board**

**From:** **Planning Manager Watrous**

**Subject:** **NOTICE OF CONTINUANCE**  
**681 Hawthorne Drive; File Nos. VAR2015024/DR2015151; Site Plan and**  
**Architecture Review for Construction of a New Single-Family Dwelling,**  
**with a Variance for Excess Lot Coverage**

**Reviewed By:** \_\_\_\_\_

Staff recommends that this item be continued for the following reason(s):

- \_\_\_\_\_ No story poles have been erected/no certification received
- \_\_\_\_\_ Requested information has not been received
- \_\_\_\_\_ Item not properly advertised
- ☒ **X** The applicant has requested a continuance to: March 3, 2016
- \_\_\_\_\_ **Other:**

The application will be continued to the March 3, 2016 Design Review Board meeting.

**MINUTES #1  
TIBURON DESIGN REVIEW BOARD  
MEETING OF FEBRUARY 4, 2016**

The meeting was opened at 7:00 p.m. by Chair Tollini.

**A. ROLL CALL**

Present: Chair Tollini, Vice Chair Kricensky, Boardmembers Cousins and Emberson

Absent: Boardmember Chong

Ex-Officio: Planning Manager Watrous and Minutes Clerk Rusting

**B. PUBLIC COMMENTS - None**

**C. STAFF BRIEFING**

Planning Manager Watrous stated that the items for 2235 Centro East Street and 85 East View Avenue have been withdrawn.

**D. OLD BUSINESS**

1. **2235 CENTRO EAST STREET:** File No. DR2015103; Lucy Zhang, Owner; Site Plan and Architectural Review for construction of additions to an existing two-family dwelling. The applicant proposes to construct a 496 square foot detached guest house, and modify windows, and doors of the existing duplex. Assessor's Parcel No. 059-141-13.

**WITHDRAWN**

2. **85 EAST VIEW AVENUE:** File No. VAR2015019; David and Tandy Ford, Owners; Site Plan and Architectural Review for construction of a new single-family dwelling, with Variances for reduced front and side yard setbacks, excess lot coverage and excess building height, and a Floor Area Exception. The applicant proposes to construct a new four-story, 2,593 square foot house, which would result in a floor area ratio of 103.1%, which is greater than the 35.0% maximum for a lot of this size. The front yard setback would be 5 feet, 9 inches in lieu of the minimum 15 feet and the east side yard setback would be 5 feet, in lieu of the minimum 8 feet. The lot coverage of the house would be 1,332 square feet (53.0%), which is greater than the 30.0% maximum lot coverage permitted in the R-1 zone. The house would be 42 feet tall, in lieu of the maximum building height of 30 feet. Assessor's Parcel No. 060-105-67. **WITHDRAWN**

## **E. NEW BUSINESS**

3. **2370 PARADISE DRIVE:** File No. VAR2015023/DR2015148; Richard Grey, Owner; Site Plan and Architectural Review for construction of a new single-family dwelling, with Variances for excess lot coverage and excess fence height. The applicant proposes to construct a new 2,838 square foot house. The lot coverage of the house would be 3,182 square feet (37.3%), which is greater than the 35.0% maximum lot coverage permitted in the R-2 zone. A new fence in the front yard would be 7 feet tall, in lieu of the maximum fence height of 6 feet. Assessor's Parcel No. 059-191-05.

The applicant is requesting Design Review approval for the construction of a new single-family dwelling on property located at 2370 Paradise Drive. The subject property is currently developed with a single-family dwelling, which would be demolished.

The proposed house would include one main level that would include a living room, kitchen, dining room, a master bedroom suite, one additional bedroom, a bathroom, powder room, pantry and a study. Parking would be provided by an attached two-car garage below the main level, with a driveway leading to the rear and accessed from Linda Vista Avenue. A series of fences and retaining walls would be installed or reconstructed on the site.

The floor area of the proposed house would be 2,838 square feet, which is 16 square feet less than the floor area ratio for a lot of this size. The proposed house would cover 3,182 square feet (37.3%) of the site, which is greater than the 35.0% maximum lot coverage permitted in the R-2 zone. A variance is therefore requested for excess lot coverage.

A new wooden fence is proposed to be constructed near the front property line. The fence would have a maximum height of 7 feet, which is taller than the 6 foot maximum fence height in the R-2 zone. A variance is therefore also requested for excess fence height.

Mary Griffin, architect, stated that most of the houses in the area are two stories and the current house is one of the only one-story structures. She said that there is a public utility easement with parking at the front of the lot and the driveway down into the property is quite steep. She described the current house location, which has a nonconforming structure in the side yard setback and said that the existing house does not take advantage of the views, is in poor condition and is older. She showed photographs of views across the site from neighboring houses. She stated that they propose to move the driveway to the garden location and hope to preserve the large screening hedge as much as possible. She stated that the existing house aligns with the house to its east and they propose to angle the house toward the west. She said that the proposed house would be 6 inches below the elevation of the existing house. She said that the driveway off Paradise Drive would be eliminated and access would be from Linda Vista Avenue below. She displayed a depiction of the orientation of the new house relative to the old house, and noted that it would increase the distance between both neighbors on either side. She said that the roof would tip up slightly to the north on the Paradise Drive side where the solar panels are located and also tips up to the south over the living room. She said that the garage would be under the house, with an elevator and stairs connecting it to the main level.

Stefan Hastrup, architect, displayed the site plan and noted that the house would hug the setback line toward the west but exceed the setbacks on the other three sides. He stated that the existing wood retaining wall on Paradise Drive is failing, and they propose to rebuild it. He noted that this application included a small variance for lot coverage, which was significantly less than the lot coverage of the previously approved application and mainly due to the deck. He added that they have also applied for a variance for a 1.5 foot height increase to the fence to provide privacy for the house. He showed the materials palette, which was intended to be consistent with the feeling of a beach cottage. He said that the proposed house would remove a large section of roof bulk in the middle compared to the existing building.

Ms. Griffin said they reached out and met with neighbors and the main topic was that the neighboring homes look over the property from their side windows. She showed their initial proposal and stated that it was revised after viewing the site from the neighboring house to pull the house back and move it away from that view. She said that they considered a flat roof to lower the profile toward the sensitive view and erected story poles so the neighbors could see the impact of the project on view. She said that based on that feedback they then revised the proposal before submitting it. She showed views of the proposed property from several angles and said that the proposed house would be smaller than the neighboring house on the uphill side.

Richard Grey, owner, said that they have tried hard to be sensitive to the concerns of others by making changes over a series of meetings with neighbors and they believe that this proposal was a reasonable accommodation and would be a good addition to the neighborhood.

Boardmember Cousins asked about the lack of a railing for the deck above the garage. Ms. Griffin stated the deck was designed with a garden bench which meets the code by being more than 3 feet out from the deck. Boardmember Cousins questioned whether that is allowed since one could easily fall over from the bench.

Vice-Chair Kricensky noted that the hedges may be an issue because they can grow tall. Ms. Griffin noted they would have to be maintained so they do not grow up to block views.

Vice-Chair Kricensky asked about the new fencing along the property line with the neighbors, and questioned whether some of the screening shrubs would also be removed along with it. Ms. Griffin said that the fences are in bad shape but they would work to preserve as much of the shrubbery as they can. Mr. Hastrup said that they did not consider this to be a central feature of the design and they would replant anything needed, but they want to preserve the vertical ivy hedge as much as possible.

The public hearing was opened.

Pete Tymstra said he is the neighbor to the east of the proposed property and he welcomed the owners to the neighborhood. He said that the applicant has been very gracious and communicative with their plans. He stated that his letter focused on privacy for him and for them.

Tyler Bartlett said that he had some minor concerns, including the fence and hedges between the properties. He was also concerned about the large window above the staircase and the overhang over that window.

Theresa Harrelson welcomed the owners and said that their drawings were beautiful. She said that she lives below Linda Vista Avenue near the new garage location and stated that this is a private road that is very narrow. She was concerned about increasing traffic on the street and asked what would happen to the existing landscaping facing the street. She wanted to know how the project would look on the garage side, stating that she currently has total privacy in her garden and that she could not tell if they will be able to see into her property from the deck.

Ms. Griffin said that they were very happy to work with all neighbors on any conditions that might affect their properties. She said that the deck would be 6 inches lower than the existing deck and would impact privacy less. She said that they would work with neighbors regarding the fences and landscaping.

Boardmember Emberson suggested that the revised parking area on Paradise Drive would make it harder for the neighbor to get in and out of their driveway because of the eventual height of the proposed pittosporum. Mr. Griffin said that they would be happy to adjust the plantings and the driveway to maintain privacy yet not have such an impact on the neighbors.

Boardmember Cousins noted that the retaining wall in the street right-of-way would require a separate permit process. Planning Manager Watrous stated that the Public Works Department has generally encouraged improvements to add parking spaces. He said that he heard two suggestions in Boardmember Emberson's comments: 1) to reduce landscaping to reduce view blockage, and 2) to pull back the retaining wall. Ms. Griffin said that they would be happy to work with the Town on the parking spaces.

The public hearing was closed.

Boardmember Cousins said that this was a handsome design. He felt that rotating the house made a lot of sense and would open up views for the neighbors. He said that the one-story design was beneficial and that creating access and parking off Linda Vista Avenue rather than Paradise Drive was appropriate. He said that the roof overhang would be very close to the view of the Golden Gate Bridge from the neighbor's kitchen. He stated that the overhang would not provide much shading and suggested that the corner be revised so the overhang would not affect the Golden Gate Bridge view. He said that the fences would look the same and he had no objection to the increased fence height.

Vice-Chair Kricensky agreed with Boardmember Cousins. He pointed out that the Golden Gate Bridge is the most iconic view in the bay area and he shared Boardmember Cousins' concern that the overhang would extend into that view. He suggested that the height of the wraparound portion of the living room window needed to be reduced because the top of it would be visible at night time and impede the neighbor's view. He felt that the garage design would work well. He did not think that the deck would impact the downhill neighbor. He appreciated the work the applicant did to accommodate the neighbors. He said that he was hesitant to approve the fence

and shrub removal if there was not a resolution about its location on the eastern property line and due to potential disruption of the neighbors' landscaping.

Planning Manager Watrous noted that the fence goes in and out of the property line at that location. Boardmember Cousins added that the fence is mostly inside the property line and that the issue was the disruption to existing plantings and suggested a condition that the plantings be maintained. Chair Tollini stated that if the existing plantings are destroyed then they need to be replaced to the satisfaction of the neighbors. Boardmember Emberson suggested pittosporum would be inappropriate because it grows too tall. Chair Tollini said that that was not his experience with pittosporum in this area and suggested this should be deferred to staff to work with the applicant on a species that would not grow more than 15 feet. Planning Manager Watrous said that pittosporum is used commonly as a thick screen on the peninsula but usually does not grow more than 10-15 feet tall in Tiburon.

Boardmember Emberson said that this was a handsome design. She said that she had issues with the size of the skylights and the roof eaves. She said that the skylight appeared to be 8 feet long, which she felt was very big for a skylight and could be reduced in size. Boardmember Cousins pointed out that the roof would be flat in that area and the skylights would be behind the sloping roof and would not be visible because the neighbors would look straight across from eye level. Boardmember Emberson agreed that bringing the roof overhang back would make the neighbors happy, and she agreed with Boardmember Cousins and Vice Chair Kricensky that this was worth revising because of the impact on the view of the Golden Gate Bridge.

Chair Tollini agreed with the other Boardmembers and stated that the house was thoughtfully designed. He liked the idea of placing the garage off Linda Vista Avenue because it would improve circulation and the doors would be well set back. He appreciated that the solar panels would be thoughtfully concealed. He believed that the skylight requests were modest given the amount of roof and there less visible location on a flat portion of the roof. He said that he was less concerned about the fence, but more concerned about loss of screening when the fence is removed, and he would like to see a condition of approval requiring any screening damaged during construction be replaced as soon as possible. He agreed with staff's findings regarding the variances. He agreed with Boardmember Kricensky's suggestion to reduce the height of the living room window to avoid light issues. He said that he was torn about the eave near the neighbor's view of the Golden Gate Bridge, acknowledging that this would be a real impact, but since the eave was aesthetic and not functional he felt that it should be pulled back. He encouraged the applicant to look at that area and diminish the impact of the eave on the neighbor's view of the Golden Gate Bridge.

Planning Manager Watrous noted another issue that was mentioned was reducing the size of the Paradise Drive parking area to 2 spaces instead of 3. The consensus of the Board was that should be done.

Ms. Griffin presented a drawing pulling back the overhang by 2 feet. Chair Tollini suggested that this was a good place to start, but felt that story poles were needed. Planning Manager Watrous said that therefore the item would need to be continued.

ACTION: It was M/S (Emberson/Kricensky) to continue the application for 2370 Paradise Drive to the March 3, 2016 meeting. Vote: 4-0.

**F. APPROVAL OF MINUTES #21 OF THE DECEMBER 17, 2015 DESIGN REVIEW BOARD MEETING**

ACTION: It was M/S (Emberson/Cousins) to approve the minutes of the December 17, 2015 meeting, as written. Vote: 3-1 (Kricensky abstained).

**G. ADJOURNMENT**

The meeting was adjourned at 8:05 p.m.